

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

WILLIAM A. CLARK; et al.,

*

Plaintiffs,

*

vs.

*

CASE NO. 2:07-mc-03377-MEF

THE UNITED STATES,

*

Defendant.

*

**CONSENT MOTION TO DEFER RESPONSE
AND/OR DEADLINE FOR FILING RESPONSE**

Come now the Plaintiffs, by and through their undersigned attorney, and move this Court for an order deferring the filing of a response to the Alabama National Guard's objection and motion to quash, and as grounds therefor show as follows:

1. This is an ancillary action pursuant to a putative class action filed in the United States Court of Federal Claims. In the underlying putative class action, Plaintiffs complain that they were not paid for certain education and training as required by law. Said education was performed by the Plaintiffs and the Plaintiff Class, as members of the National Guard of their respective State. *See Clark v. U. S.*, 322 F.3d 1358 (Fed. Cir. 2003); *Clark v. U. S.*, 2007 WL 2142652 (July 17, 2007); *Clark v. U. S.*, 69 Fed. Cl. 443 (2006).

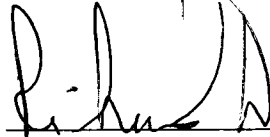
2. Pursuant to that action, the United States Court of Federal Claims has directed the parties to conduct discovery regarding which correspondence courses were required to be taken by

each of the named Plaintiffs. Pursuant to that order, the Plaintiffs have issued a subpoena to the Alabama National Guard to obtain certain documents which are necessary to comply with said order.

3. Counsel for the Alabama National Guard has objected to certain aspects of the subpoena and has moved to quash the same on various grounds. Counsel for the parties have conducted preliminary discussions regarding resolving the various objections.

4. Counsel for the Alabama National Guard consents to the relief sought in this motion.

WHEREFORE, Plaintiffs request an order of this Court deferring any response to the Alabama National Guard's motion to quash for a period up to and including December 28, 2007. Should the parties be unable to resolve their disputes during that time period, the Plaintiffs will then request an additional seven (7) days within which to file a response.



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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of December, 2007, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record and that he has mailed a copy of same by United States mail, postage prepaid and properly addressed to the non-CM/ECF participants.

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